

FORM NLRB-501

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

(2-08)

DO NOT WRITE IN THIS SPACE

Case 20-CA-257146

Filed 2/27/2020

## INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer <b>Oakmont Village Association and Advance Golf Partners</b>		b. Tel. No. <b>OVA: (707) 539-1611</b>
		c. Cell No. <b>Steve Spanier, OVA: (707) 779-9718</b>
		<b>AGP: (707) 539-0415</b>
		f. Fax No.
b. Address (Street, city, state, and ZIP code) <b>Oakmont Village Association 6637 Oakmont Drive Santa Rosa, CA 95409</b>  <b>Advance Golf Partners 7025 Oakmont Drive Santa Rosa, CA 95409</b>	e. Employer Representative <b>Steve Spanier, Oakmont Village Assoc. Larry Galloway, Advance Golf Partners Debbie Reiber, Advance Golf Partners</b>	g. e-Mail <b>steve@oakmontvillage.com</b>
		h. Dispute Location (City and State) <b>Santa Rosa, CA</b>
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>Golf Club and Homeowners Association</b>	j. Identify principal product or service <b>Operation of Oakmont Golf Course</b>	k. Number of workers at dispute location
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections 8(a)(1), 8(a)(3), and 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) <b>During the past six months, the above-named employers, by their agents, have failed and refused to retain the incumbent employees of Oakmont Golf Course and/or failed and refused to hire the employees of the Oakmont Golf Course and/or failed and refused to notify the employees that the operators were hiring employees for the golf course in order to ensure that the employees working on the golf course would be deprived of their union representation, all in violation of Sections 8(a)(1), 8(a)(3), and 8(a)(5) of the Act.</b>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>Laborers' Local 324; Northern California District Council of Laborers</b>		
4a. Address (Street and number, city, state and ZIP code) <b>Laborers' Local 324 611 Berrellesa Street Martinez, CA 94553</b>  <b>Northern California District Council 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588</b>		4b. Tel. No. <b>925.228.0930 / 925.469.6800</b>
		4c. Cell No.
		4d. Fax No. <b>925.370.1586 / 925.469.6900</b>
		4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) <b>Laborers International Union of North America, AFL-CIO</b>		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  By <u><b>Paul Supton</b></u> (signature of representative or person making charge) Address <b>Northern California District Council of Laborers 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588</b>		Tel. No. <b>925.460.5990</b>  Office, if any, Cell. No.  Fax No. <b>925.469.6900</b> e-Mail
		<b>Paul Supton, Counsel</b> (Print/type name and title or office, if any)  <b>February 27, 2020</b> (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (415)356-5130  
Fax: (415)356-5156



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February 28, 2020

Steve Spanier  
Oakmont Village Association  
6637 Oakmont Drive  
Santa Rosa, CA 95409

Re: Oakmont Village Association and Advance  
Golf Partners  
Case 20-CA-257146

Dear Mr. Spanier:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

February 28, 2020

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

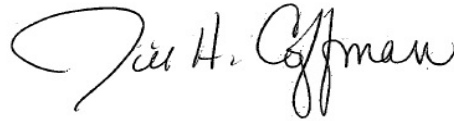
February 28, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" being more prominent.

JILL H. COFFMAN  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Larry Galloway  
Advance Golf Partners  
7025 Oakmont Drive  
Santa Rosa, CA 95409



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
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February 28, 2020

PAUL SUPTON  
Laborers' Local 324  
Northern California District Council of Laborers  
611 Berrellesa Street  
Martinez, CA 94553-1537

Re: Oakmont Village Association and Advance  
Golf Partners  
Case 20-CA-257146

Dear Mr. SUPTON:

The charge that you filed in this case on February 27, 2020 has been docketed as case number 20-CA-257146. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

**Qualifying for Backpay:** We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their

obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly distinguishable.

JILL H. COFFMAN  
Regional Director

cc: Paul Supton, Counsel  
Northern California District Council  
4780 Chabot Dr Ste 200  
Pleasanton, CA 94588-3370

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Laborers' Local 324; Northern California District Council of  
Laborers

and

Oakmont Village Association and Advance Golf Partners

CASE 20-CA-257146

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Advance Golf Partners

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Diane Aqui, Smith Dollar PC

MAILING ADDRESS: 418 B Street, Fourth Floor, Santa Rosa, CA 95401

E-MAIL ADDRESS: daqui@smithdollar.com

OFFICE TELEPHONE NUMBER: 707-522-1100

CELL PHONE NUMBER: 707-236-0932

FAX: 707-522-1101

SIGNATURE: \_\_\_\_\_

(Please sign in ink.)

DATE: \_\_\_\_\_

3/6/2020

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Laborers' Local 324; Northern California District Council,

and

Oakmont Village Association; Advance Golf Partners

CASE 20-CA-257146

☐ REGIONAL DIRECTOR



EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570



GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Respondent, Oakmont Village Association

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:



REPRESENTATIVE IS AN ATTORNEY



IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Keahn N. Morris

MAILING ADDRESS: Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, Floor 17, San Francisco, CA 94111

E-MAIL ADDRESS: kmorris@sheppardmullin.com

OFFICE TELEPHONE NUMBER: (415) 774-2934

CELL PHONE NUMBER: (949) 702-2219 FAX: (415) 434-3947

SIGNATURE:

(Please sign in ink.)

DATE: March 10, 2020

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (415)356-5130  
Fax: (415)356-5156

July 14, 2020

Paul Supton, Attorney  
Northern California District Council of Laborers  
4780 Chabot Drive, Suite 200  
Pleasanton, CA 94588

Re: Oakmont Village Association and Advance  
Golf Partners  
Case 20-CA-257146

Dear Mr. Supton:

We have carefully investigated and considered your charge that Oakmont Village Association (OVA) and Advanced Golf Partners (AGP) have violated the National Labor Relations Act (the Act).

**Decision to Partially Dismiss:** Based on that investigation, I have decided to dismiss the allegations against OVA because the evidence fails to support that OVA is a successor employer to Oakmont Golf Club. Although the investigation established that OVA purchased Oakmont Golf Club, it also established that since about February 6, 2020, pursuant to a lease agreement, AGP has managed the golf course purchased by OVA and is the employer of the golf course groundskeepers. There is insufficient evidence that OVA had any role in the staffing of the golf course, which it leased to AGP. Moreover, although OVA and AGP share some common management of the golf course pursuant to the lease agreement, the evidence is insufficient to establish that OVA and AGP are a single employer or alter egos. In particular, there is no evidence of common ownership. Generally, the Board has found that the lack of substantially identical ownership precludes a finding of alter ego status. *US Reinforcing, Inc.*, 350 NLRB 404, 404-405 (2007). Accordingly, I am dismissing all allegations against OVA.

The remaining portions of the charge alleging that AGP violated Section 8(a)(1), (3) and (5) of the Act by refusing to consider for hire and refusing to hire the former Oakmont Golf Club employees are subject to further proceedings.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [E-File@NLRB.gov](mailto:E-File@NLRB.gov).

July 14, 2020

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

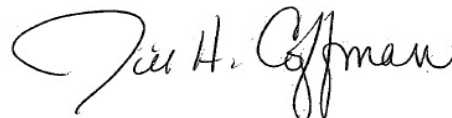
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **July 28, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 27, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 28, 2020**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 28, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



JILL H. COFFMAN  
Regional Director

Enclosure

July 14, 2020

cc: Steven Spanier  
President, Board of Directors  
Oakmont Village Association  
6637 Oakmont Drive  
Santa Rosa, CA 95409

Keahn N. Morris, Attorney  
Sheppard, Mullin, Richter & Hampton LLP  
4 Embarcadero Center, 17th Floor  
San Francisco, CA 94111

David George  
Business Agent  
Laborers' Local Union No. 324  
611 Berrellesa Street  
Martinez, CA 94553

Larry Galloway  
Advance Golf Partners  
7025 Oakmont Drive  
Santa Rosa, CA 95409

Diane Aqui, Attorney  
Smith Dollar PC  
418 B Street, Fourth Floor  
Santa Rosa, CA 95401

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 20**

**ADVANCE GOLF PARTNERS TWO LLC**

**and**

**20-CA-257146**

**LABORERS' LOCAL 324, NORTHERN  
CALIFORNIA DISTRICT COUNCIL OF  
LABORERS**

**and**

**OAKMONT VILLAGE ASSOCIATION,  
Party in Interest.**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Laborers' Local 324, Northern California District Council of Laborers (Charging Party) against Advance Golf Partners, whose correct name is Advance Golf Partners Two LLC (Respondent AGP). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent AGP has violated the Act as described below.

1. (a) The charge in Case 20-CA-257146 was filed by the Charging Party on February 27, 2020.

(b) A copy of the charge in Case 20-CA-257146 was served on Respondent AGP by regular mail on February 28, 2020.

(c) A copy of the charge in Case 20-CA-257146 was served on Oakmont Village Association by regular mail on February 28, 2020.

2. (a) At all material times, Respondent AGP has been a California limited liability company with an office and place of business located at 7025 Oakmont Drive, Santa Rosa, California, and has been engaged in the operation of a golf course (the Golf Course), selling golf games and services.

(b) Based on a projection of its operations since about February 6, 2020, at which time it commenced its operation of the Golf Course, Respondent AGP, in conducting its business operations described above in subparagraph 2(a), will annually derive gross revenues in excess of \$500,000.

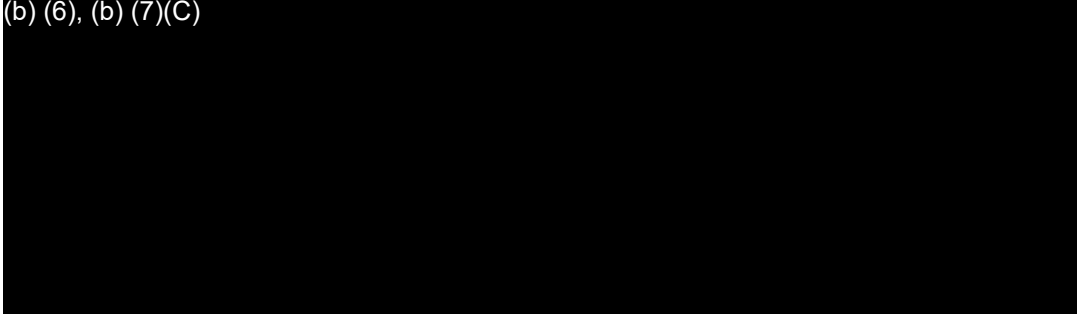
(c) Based on a projection of its operations since about February 6, 2020, at which time it commenced its operation of the Golf Course, Respondent AGP, in conducting its business operations described above in subparagraph 2(a), will annually purchase and receive at its Santa Rosa, California facility goods valued in excess of \$5,000 directly from points outside the State of California.

(3) At all material times, Respondent AGP has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent AGP within the meaning of Section 2(11) of the Act and agents of Respondent AGP within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)



6. (a) Prior to February 6, 2020, the Golf Course was owned and operated by The Oakmont Golf Club, Inc.

(b) On or about February 6, 2020, Oakmont Village Association purchased the Golf Course from The Oakmont Golf Club, Inc.

(c) On or about February 6, 2020, pursuant to a lease agreement between Respondent AGP and Oakmont Village Association through its subsidiary Oakmont Village Property Association, Respondent AGP assumed the operation and management of the Golf Course and since then has continued to operate the Golf Course in basically unchanged form from the operation of the Golf Course by The Oakmont Golf Club, Inc.

(d) But for the conduct described below in paragraph 8, Respondent AGP would have employed, as a majority of its bargaining-unit employees at the Golf Course, individuals who were previously employees of The Oakmont Golf Club, Inc.

(e) Based on the conduct described below in paragraph 8 and the operations described above in paragraph 2, Respondent AGP has continued the employing entity and is a successor to The Oakmont Golf Club, Inc. with respect to the Golf Course.

7. (a) The following employees of The Oakmont Golf Club, Inc. constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (the Unit):

All full-time and regular part-time laborer and maintenance golf course employees employed by The Oakmont Golf Club, Inc. at The Oakmont Golf Club in Santa Rosa, California, excluding all salespersons, office clerical employees, Golf Pro Shop employees, seasonal employees, guards, and supervisors as defined by the Act.

(b) From about 1990 to February 6, 2020, The Oakmont Golf Club, Inc. recognized the Charging Party as the exclusive collective-bargaining representative of the Unit. This recognition was embodied in successive collective-bargaining agreements, the most recent of which was effective from April 1, 2019 to March 31, 2020.

(c) From about 1990 to February 6, 2020, based on Section 9(a) of the Act, the Charging Party had been the exclusive collective-bargaining representative of the Unit employed by The Oakmont Golf Club, Inc.

(d) At all times since February 6, 2020, based on the facts and conduct described in paragraph 6, subparagraphs 7(a), (b) and (c), and paragraph 8 herein, and based on Section 9(a) of the Act, the Charging Party has been the designated exclusive collective-bargaining representative of Respondent AGP's employees in the Unit.

8. (a) Beginning at least by mid-January 2020, Respondent AGP implemented a plan to hire employees to perform the work of the Unit employees and established a hiring procedure and engaged in other conduct designed to exclude or limit the hiring of Unit employees formerly employed by The Oakmont Golf Club, Inc.



(b) Since about February 6, 2020, Respondent AGP refused to hire, or consider for hire, former employees of The Oakmont Golf Club, Inc. for employment at the Golf Course, including, but not limited to: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(c) Respondent AGP engaged in the conduct described above in subparagraphs 8(a) and (b) because the employees formed, joined and/or assisted the Charging Party and engaged in concerted activities, and/or to discourage employees from engaging in these activities, and/or to avoid the obligation to recognize and bargain with the Charging Party as the exclusive collective-bargaining representative of the Unit.

9. (a) By telephone on or about January 23, 2020 and March 5, 2020, the Charging Party requested that Respondent AGP recognize the Charging Party as the exclusive collective-bargaining representative of the Unit.

(b) Since about January 23, 2020 and/or March 5, 2020, Respondent AGP has failed and refused to recognize and bargain collectively with the Charging Party as the exclusive collective-bargaining representative of the Unit.

(c) Sometime after January 23, 2020, on a date or dates presently unknown to the General Counsel but known to Respondent AGP, Respondent AGP unilaterally established initial terms and conditions of employment of the Unit, including, but not limited to, wages and medical insurance.

(d) The subjects set forth above in subparagraph 9(c) relate to wages, hours and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(e) Respondent AGP engaged in the conduct described above in subparagraph 9(c) without prior notice to the Charging Party and without affording the Charging Party an opportunity to bargain with Respondent AGP with respect to this conduct.

10. By the conduct described above in paragraph 8, Respondent AGP has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

11. By the conduct described above in paragraph 9, Respondent AGP has been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

12. The unfair labor practices of Respondent AGP described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

**FURTHER**, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring Respondent AGP to post and mail the Notice to Employees in Spanish and in English.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

**ANSWER REQUIREMENT**

Respondent AGP is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must **be received by this office on or before July 30, 2020**. Respondent AGP must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on

each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT **on October 19, 2020, at 9:00 a.m.**, at the Natalie P. Allen Memorial Courtroom, 901 Market Street, Fourth Floor, Suite 400, San Francisco, California, **or at another location or in another manner as ordered by the administrative law judge, including via videoconference**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent AGP and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

**DATED AT** San Francisco, California, this 16<sup>th</sup> day of July, 2020.



---

Jill H. Coffman, Regional Director  
National Labor Relations Board  
Region 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 20-CA-257146

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Steven Spanier, President, Board of Directors  
Oakmont Village Association  
6637 Oakmont Drive  
Santa Rosa, CA 95409

Keahn N. Morris, Esq.  
Sheppard, Mullin, Richter & Hampton LLP  
4 Embarcadero Center, 17th Floor  
San Francisco, CA 94111

Dave George, Business Agent  
Laborers' Local Union No. 324, Northern  
California District Council of Laborers  
611 Berrellesa Street  
Martinez, CA 94553-1537

Paul Supton, Esq.  
Laborers' Local Union No. 324, Northern  
California District Council of Laborers  
4780 Chabot Dr Ste 200  
Pleasanton, CA 94588-3370

Dave Thomas  
Laborers' Local Union No. 324, Northern  
California District Council of Laborers  
4780 Chabot Drive, Suite 210  
Pleasanton, CA 94588

Larry Galloway  
Advance Golf Partners Two LLC  
1607 Nelson Drive  
Irving, TX 75038

Diane Aqui, Esq.  
Smith Dollar PC  
418 B Street Fourth Floor  
Santa Rosa, CA 95401

Advance Golf Partners Two LLC  
7025 Oakmont Drive  
Santa Rosa, CA 95409

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlrb.gov](http://www.nlrb.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.



---

**From:** Adam C. Abrahms <AAbrahms@ebglaw.com>  
**Sent:** Wednesday, July 15, 2020 8:58 PM  
**To:** (b) (6), (b) (7)(C) Randy M; (b) (6), (b) (7)(C)  
**Subject:** RE: FAdvance Golf Partners and Oakmont Village Assn, 20-CA-2257146 - Notice of potential liability

Randy –

Please kindly direct future communications to my attention. My full contact information is below.

Thank you,

Adam

EPSTEIN  
BECKER  
GREEN

**Adam C. Abrahms** | [Bio](#)  
t 310.557.9559 | f 310.943.3367  
[AAbrahms@ebglaw.com](mailto:AAbrahms@ebglaw.com)

1925 Century Park East  
Suite 500 | Los Angeles, CA 90067-2506  
t 310.556.8861 | [www.ebglaw.com](http://www.ebglaw.com)  
[Management Memo Blog](#)

*Think Green. Please consider the environment before you print this message. Thank you.*

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**From:** (b) (6), (b) (7)(C) @billycaspergolf.com>  
**Sent:** Wednesday, July 15, 2020 5:47 PM  
**To:** Girer, Randy M <Randy.Girer@nrlb.gov>; (b) (6), (b) (7)(C) @billycaspergolf.com>; (b) (6), (b) (7)(C) @billycaspergolf.com>  
**Cc:** Adam C. Abrahms <AAbrahms@ebglaw.com>  
**Subject:** RE: FAdvance Golf Partners and Oakmont Village Assn, 20-CA-2257146 - Notice of potential liability

\*\*\* EXTERNAL EMAIL \*\*\*

Randy,

This is to confirm receipt of your email. Billy Casper Golf is represented by Epstein Becker Green and have copied Adam Abrahms to this email accordingly.

Best,

Tom



(b) (6), (b) (7)(C)

12700 Sunrise Valley Drive | Suite 300 | Reston, VA 20191

t. (b) (6), (b) (7)(C) | m. 571.259.7382

Email | LinkedIn | Website



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**From:** Girer, Randy M <[Randy.Girer@nrlb.gov](mailto:Randy.Girer@nrlb.gov)>

**Sent:** Wednesday, July 15, 2020 6:54 PM

**To:** (b) (6), (b) (7)(C) <[@billycaspergolf.com](mailto:(b) (6), (b) (7)(C)@billycaspergolf.com)>; (b) (6), (b) (7)(C) <[@billycaspergolf.com](mailto:(b) (6), (b) (7)(C)@billycaspergolf.com)>;

(b) (6), <[@billycaspergolf.com](mailto:(b) (6),@billycaspergolf.com)>

**Subject:** FAdvance Golf Partners and Oakmont Village Assn, 20-CA-2257146 - Notice of potential liability

To Billy Casper Golf:

**Please advise if Billy Casper Golf will be represented by counsel in this matter.**

It is our understanding that Billy Casper Golf is contemplating the management of the former Oakmont Golf Club. The property was previously managed by Advance Golf Partners Two LLC (AGP), which is a party respondent to litigation with the National Labor Relations Board. This office will be issuing a letter of notice of your potential liability for AGP's alleged unfair labor practices, pursuant to *Golden State Bottling Co. v. NLRB*, 414 U.S. 168 (1973).

Please call if you have any questions.

Randy Girer

*Randy M. Girer*

*Field Attorney*

*National Labor Relations Board, Region 20*

*901 Market Street, Suite 400*

*San Francisco, CA 94103*

*Direct Line (628) 221-8845*

*Cellphone (202) 255-4281*

*Fax: (415)-356-5156*

The NLRB now requires electronic filing of documents via our online [E-File](#) system, including affidavits, correspondence, position statements and evidence. See [GC 20-01](#) for more information. This requirement applies to ALL parties with cases before the Agency. For technical difficulties, please reference the Agency's [E-Filing User Guide](#), [Instructional Video](#), or [Frequently Asked Questions](#).

*This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.*

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CONFIDENTIALITY NOTE: This communication is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this communication or the information herein by anyone other than the

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

ADVANCE GOLF PARTNERS TWO LLC, Employer
and
LABORERS' LOCAL 324, NORTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS, Union
and
OAKMONT VILLAGE ASSOCIATION, Party in Interest.

CASE 20-CA-257146

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
LABORERS' LOCAL 324


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Kristina L. Hillman	
MAILING ADDRESS: Weinberg, Roger & Rosenfeld, 1001 Marina Village Parkway, Suite 200, Alameda, CA 94501 nlrbnotices@unioncounsel.net, khillman@unioncounsel.net	
E-MAIL ADDRESS:	
OFFICE TELEPHONE NUMBER: 510-337-1001	
CELL PHONE NUMBER:	FAX: 510-337-1023
SIGNATURE: 	
DATE: (Please sign in ink.) 7/20/2020	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Diane Aqui, SBN 217087  
daqui@smithdollar.com  
SMITH DOLLAR PC  
Attorneys at Law  
418 B Street, Fourth Floor  
Santa Rosa, California 95401  
Telephone: (707) 522-1100  
Facsimile: (707) 522-1101

Attorney for Respondent ADVANCE GOLF PARTNERS TWO LLC

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 20**

ADVANCE GOLF PARTNERS TWO LLC

CASE NO.: 20-CA-257146

and

**ADVANCE GOLF PARTNERS TWO  
LLC'S ANSWER TO COMPLAINT**

LABORERS' LOCAL 324, NORTHERN  
CALIFORNIA DISTRICT COUNCIL OF  
LABORERS

and

OAKMONT VILLAGE ASSOCIATION,

Party in Interest.

COMES NOW RESPONDENT ADVANCE GOLF PARTNERS TWO LLC "(AGP)" to  
Answer to the Complaint asserts as follows:

1. Respondent AGP admits the allegations contained in paragraph 1
2. Respondent AGP denies the allegations contained in paragraph 2.
3. Respondent AGP denies the allegations contained in paragraph 3.
4. Respondent AGP admits the allegations contained in paragraph 4.
5. Respondent AGP denies the allegations contained in paragraph 5.
6. Respondent AGP denies the allegations contained in paragraph 6.
7. Respondent AGP denies the allegations contained in paragraph 7.
8. Respondent AGP denies the allegations contained in paragraph 8.

9. Respondent AGP denies the allegations contained in paragraph 9.
10. Respondent AGP denies the allegations contained in paragraph 10.
11. Respondent AGP denies the allegations contained in paragraph 11.
12. Respondent AGP denies the allegations contained in paragraph 12.

Wherefore, having fully answered all the allegations of this Complaint, Respondent ADVANCE GOLF PARTNERS TWO LLC respectfully moves that it be dismissed on all counts.

Dated: July 29, 2020

SMITH DOLLAR PC



By \_\_\_\_\_  
Diane Aqui  
Attorney for Respondent  
ADVANCE GOLF PARTNERS TWO LLC

## PROOF OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of 18 years and not a party to the within action. My business address is 404 Mendocino Avenue, Second Floor, Santa Rosa, CA 95401. On July 29, 2020, I served the **ADVANCE GOLF PARTNERS TWO LLC'S ANSWER TO COMPLAINT** ON the parties to this action by serving:

Jill Coffman  
National Labor Relations Board  
Region 20  
901 Market St., Ste. 400  
San Francisco, CA 94103

Randy Girer  
National Labor Relations Board  
Region 20  
901 Market St., Ste. 400  
San Francisco, CA 94103

/X/ **BY ELECTRONIC TRANSMISSION** – 1) I transmitted a PDF version of this document filed electronically with the NLRB in PDF format.

Dave George, Business Agent  
Laborers' Local Union No. 324,  
Northern California District Council of  
Laborers  
611 Berrellesa Street  
Martinez, CA 94553-1537

Paul Supton, Esq.  
Laborers' Local Union No. 324, Northern  
California District Council of Laborers  
4780 Chabot Dr Ste 200  
Pleasanton, CA 94588-3370  
Email: psupton@ncdcl.org

Dave Thomas  
Laborers' Local Union No. 324,  
Northern  
California District Council of Laborers  
4780 Chabot Drive, Suite 210  
Pleasanton, CA 94588

Keahn N. Morris, Esq.  
Sheppard, Mullin, Richter & Hampton LLP  
4 Embarcadero Center, 17th Floor  
San Francisco, CA 94111  
Email: kmorris@sheppardmullin.com

/X/ **BY U.S. MAIL:** I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at address above, following ordinary business practices. I am readily familiar with the practice of Smith Dollar PC for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 29, 2020

/S/ Stephanie Abbott

---


Stephanie Abbott

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER**  
INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
20-CA-257146	7/30/2020

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer <b>Advance Golf Partners Two LLC and Advance Golf Partners, LLC, Single Employer</b>		b. Tel. No.	
		c. Cell No.	
d. Address (street, city, state ZIP code) 1607 Nelson Drive, Irving, TX 75038		e. Employer Representative Larry Galloway	
		f. Fax No.	
		g. e-Mail lg9295@gmail.com	
		h. Dispute Location (City and State) Santa Rosa, CA	
i. Type of Establishment (factory, nursing home, hotel) Golf course management		j. Principal Product or Service Golf course management	
		k. Number of workers at dispute location	
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a) (1)(3)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) During the past six months, the above-named employers, failed and refused to retain the incumbent employees of Oakmont Golf Course and/or failed and refused to hire and/or consider the employees of the Oakmont Golf Course and/or failed and refused to notify the employees that the operators were hiring employees for the golf course in order to ensure that the employees working on the golf course would be deprived of their union representation, all in violation of Sections 8(a)(1), 8(a)(3), and 8(a)(5) of the Act. The Employers by their agent (b) (6), (b) (7) told employees / applicants that (b) would not hire employees associated with the Union and/or that the golf course would not have a union.			

3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>Laborers' Local Union No. 324; Northern California District Council of Laborers</b>			
4a. Address (street and number, city, state, and ZIP code) 611 Berrellesa Street, Martinez, CA 94553-1537 4780 Chabot Drive, Suite 200, Pleasanton, CA 94588		4b. Tel. No.	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail dgeorge@local324.org; laborers@ncdcl.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) <b>Laborers' International Union of America, AFL-CIO</b>			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (510) 337-1001	
By: 			
(signature of representative or person making charge)		Kristina Hillman, Attorney Print Name and Title	
Address: Weinberg, Roger and Rosenfeld 1001 Marina Village Parkway Suite 200 Alameda, CA 94501-6430		Date: July 30, 2020	
		Fax No. (510) 337-1023	
		e-Mail khillman@unioncounsel.net; nlrbnotices@unioncounsel.net	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (415)356-5130  
Fax: (415)356-5156



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August 4, 2020

Dave George, Business Agent  
Laborers' Local Union No. 324, Northern California District Council of Laborers  
611 Berrellesa Street  
Martinez, CA 94553-1537

Re: Advance Golf Partners Two LLC and  
Oakmont Village Association  
Case 20-CA-257146

Dear Mr. George:

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If the agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

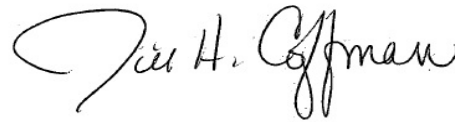
**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the



Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



JILL H. COFFMAN  
Regional Director

cc: Paul Supton, Esq.  
Laborers' Local Union No. 324, Northern  
California District Council of Laborers  
4780 Chabot Dr Ste 200  
Pleasanton, CA 94588-3370

Dave Thomas  
Laborers' Local Union No. 324, Northern  
California District Council of Laborers  
4780 Chabot Drive, Suite 200  
Pleasanton, CA 94588

Northern California District Council of  
Laborers  
Laborers' Local Union No. 324; Northern  
California District Council of Laborers  
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August 4, 2020

Larry Galloway  
Advance Golf Partners Two LLC and Advance Golf Partners, LLC, Single Employer  
1607 Nelson Drive  
Irving, TX 75038

Re: Advance Golf Partners Two LLC and  
Oakmont Village Association  
Case 20-CA-257146

Dear Mr. Galloway:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If the agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

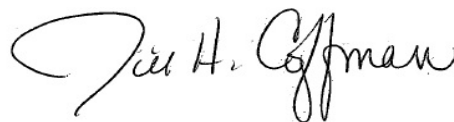
**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



JILL H. COFFMAN  
Regional Director

Enclosure: Copy of first amended charge

cc: Diane Aqui, Esq.  
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418 B Street Fourth Floor  
Santa Rosa, CA 95401

Advance Golf Partners  
7025 Oakmont Drive  
Santa Rosa, CA 95409

Steven Spanier, President, Board of  
Directors  
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